



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by Debbie DeFrancesco Halvorson

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-102-2	from Ch. 24, par. 11-102-2
65 ILCS 5/11-123-10	from Ch. 24, par. 11-123-10
70 ILCS 1505/26.4	from Ch. 105, par. 333.23o
70 ILCS 2105/25	from Ch. 42, par. 408
70 ILCS 3405/17	from Ch. 42, par. 464
615 ILCS 110/5	
615 ILCS 110/10	

Amends the Illinois Municipal Code, the Chicago Park District Act, the River Conservancy Districts Act, the Surface Water Protection District Act, and the Kankakee River Dam Transfer Act. Provides that the Department of Natural Resources (instead of the Department of Transportation) shall possess certain powers and duties. Effective on July 1, 2004.

LRB093 20443 BDD 46226 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning the Department of Natural Resources.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 11-102-2 and 11-123-10 as follows:

6 (65 ILCS 5/11-102-2) (from Ch. 24, par. 11-102-2)

7 Sec. 11-102-2. Every municipality specified in Section
8 11-102-1 may purchase, construct, reconstruct, expand and
9 improve landing fields, landing strips, landing floats,
10 hangers, terminal buildings and other structures relating
11 thereto and may provide terminal facilities for public
12 airports; may construct, reconstruct and improve causeways,
13 roadways, and bridges for approaches to or connections with the
14 landing fields, landing strips and landing floats; and may
15 construct and maintain breakwaters for the protection of such
16 airports with a water front. Before any work of construction is
17 commenced in, over or upon any public waters of the state, the
18 plans and specifications therefor shall be submitted to and
19 approved by the Department of Natural Resources ~~Transportation~~
20 of the state. Submission to and approval by the Department of
21 Natural Resources ~~Transportation~~ is not required for any work
22 or construction undertaken as part of the O'Hare Modernization
23 Program as defined in Section 10 of the O'Hare Modernization
24 Act.

25 (Source: P.A. 93-450, eff. 8-6-03.)

26 (65 ILCS 5/11-123-10) (from Ch. 24, par. 11-123-10)

27 Sec. 11-123-10. Every city or village may occupy, hold, and
28 use any land acquired by the municipality under this Division
29 123 or under any act providing for harbor construction. A
30 specified municipality may occupy, hold, and use any submerged
31 land of the State of Illinois filled in or reclaimed by the

1 municipality in connection with or in construction of a utility
2 for the uses and purposes provided for in this Division 123. A
3 specified municipality may lease any of this land for a period
4 not longer than 50 years to any person upon such terms and
5 conditions as are prescribed by ordinance, but the ordinance
6 shall provide that the rental value of the land shall be
7 revalued near the end of each 10 years of the rental period and
8 that the rental for the ensuing 10 years shall be adjusted and
9 fixed in accordance with that evaluation.

10 Before such a lease becomes effective, it shall be approved
11 in writing by the Director of Natural Resources ~~Secretary of~~
12 ~~Transportation~~ of the state, and, in case of approval, it shall
13 be authenticated by the seal of that department.

14 All money received by a specified municipality from the
15 lease of land forming a part of any harbor development shall be
16 credited to a fund entitled the harbor fund of that particular
17 harbor development. All money expended by the municipality for
18 any purpose in relation to that land or in relation to the
19 construction and maintenance of any utility, may be charged to
20 the harbor fund, and that fund shall be used for no other
21 purpose.

22 (Source: P.A. 81-840.)

23 Section 10. The Chicago Park District Act is amended by
24 changing Section 26.4 as follows:

25 (70 ILCS 1505/26.4) (from Ch. 105, par. 333.23o)

26 Sec. 26.4. The Chicago Park District shall submit its plan
27 for any construction to be undertaken under this section for
28 approval to: (a) the Department of Natural Resources
29 ~~Transportation~~ of the State of Illinois, and to (b) the proper
30 officials of the United States Government.

31 (Source: P.A. 81-840.)

32 Section 15. The River Conservancy Districts Act is amended
33 by changing Section 25 as follows:

1 (70 ILCS 2105/25) (from Ch. 42, par. 408)

2 Sec. 25. Before any work is commenced under the provisions
3 of this Act the plans therefor shall be submitted to, and
4 approved by the Department of Natural Resources ~~Transportation~~
5 and by the Environmental Protection Agency of the State of
6 Illinois or its successor as may be fixed by law.

7 (Source: P.A. 81-840.)

8 Section 20. The Surface Water Protection District Act is
9 amended by changing Section 17 as follows:

10 (70 ILCS 3405/17) (from Ch. 42, par. 464)

11 Sec. 17. The board of trustees of any surface water
12 protection district incorporated under this Act has the power
13 and it is its legal duty and obligation to provide as nearly
14 adequate protection from surface water damage for all persons
15 and property within the district as possible and to prescribe
16 necessary regulations for the prevention and control of surface
17 water damage.

18 If in providing protection from surface water damage the
19 flow of water in any stream will be thereby increased or any
20 change or improvement in the course of any stream will be
21 required, the board shall, before commencing the project,
22 submit proposed plans for the project to and receive approval
23 thereof by the Department of Natural Resources ~~Transportation~~
24 in accordance with the provisions of "An Act in relation to the
25 regulation of the rivers, lakes and streams of the State of
26 Illinois", approved June 10, 1911, as amended.

27 (Source: P.A. 81-840.)

28 Section 30. The Kankakee River Dam Transfer Act is amended
29 by changing Sections 5 and 10 as follows:

30 (615 ILCS 110/5)

31 Sec. 5. Authorization to acquire. The Department of Natural

1 ~~Resources Transportation~~, on behalf of the State of Illinois,
2 is authorized to acquire by donation from the City of
3 Wilmington in Will County, Illinois and other owners the
4 existing Kankakee River dam and its abutments, millrace,
5 millrace structures, and all other improvements constructed in
6 connection with the dam; the sites on which the dam, abutments,
7 millrace, millrace structures, and other improvements are
8 constructed; and all water, flowage easements, and other
9 privileges at law or in equity that the present owners or their
10 predecessors acquired in and to the property.

11 (Source: P.A. 87-1219.)

12 (615 ILCS 110/10)

13 Sec. 10. Powers of Department of Natural Resources
14 ~~Transportation~~. After the real estate and structures described
15 in Section 5 have been acquired, the Department of Natural
16 Resources Transportation may reconstruct, repair, restore,
17 rehabilitate, demolish, lease for a period not to exceed 20
18 years, sell, transfer or convey, exchange, develop or otherwise
19 utilize these lands with their appurtenances acquired under
20 this Act in the best interest of the State of Illinois.

21 (Source: P.A. 87-1219.)

22 Section 99. Effective date. This Act takes effect on July
23 1, 2004.